

United States District Court  
Northern District of New York

Chauncey Girard

Plaintiff,

Case No. 9:22-Cv-00339  
Amended Complaint

V

(Dep)Barber (Foil officer) Bero  
(Sgt)Dowd (Co) Ballman  
(Sgt)Goyena (Co) Martin (IGP) Wilcox  
(Sgt)Morale (Co) Castagnier (Dep)Trombley  
(Sgt)Hoit (Co) Rodgers (NA)M.Ojida  
(Lt)Bangari (Co) Eli (Dr)Kenneth Corse  
(Commissioner) Anthony Annucci

Fed.R Civ P  
Rule 14,15,  
(d)

Defendent(s)

Please Take Notice that Pursuant to Fed. R Civ P Rule 14 ,15,  
That I Chauncey Girard the Plaintiff in the Above Action and Civil  
Case Number would Move this Court for the first Amended Complaint  
and which will supersede the regular Complaint in its entirety,in all  
respects to the Court Here are the Act as Followed:

Plaintiffs Information

Chauncey Girard  
11-A-1352  
Franklin Correctional Facility  
P.O. Box 10  
Malone New York 12953

Convicted of a sentence State Prisoner  
(X)

Defendent(s) Information

Defendent No.1 S Danforth

Name

Superintendent

Job Title

Franklin C.F. P.O. Box 10

Work Address

Malone New York 12953

City

Defendent No.2

Dep Barber

Name

(Dep of Program

Job title

Franklin C.F. P.o. Box 10

Work Address

Malone NewYork 12953

City



## Amended Complaint Continued

Defendent No.3 S St Louis  
Name Correction Officer  
Job Franklin C.F. Po Box 10  
work address Malone N.Y. 12953  
City Dowd

Defendent No.4 Dowd  
Name (Sgt)  
Job Franklin C.F. P.O. Box 10  
work address Malone New York 12953  
City

Defendent No.5 Goyena  
Name Franklin C.F. (Sgt)  
Job Malon Franklin C.F. Box 10  
Work address Malone New York 12953  
City

Defendent No.6 Ballman  
Name (Co)  
Job Franklin C.F.  
work address Malone New York 12953  
City

Defendent No. 7 Hanna  
Name (Sgt)  
Job Franklin C.F.  
Work address Malone New York 12953  
City

Defendent No. 8 Castagnier  
Name (Co)  
Job Franklin C.F.  
Work address Malone New York 12953  
City

Defendent No. 9 Morale  
Name (Co)  
job Franklin C.F.  
Work address Malone New York 12953  
City

Defendent No. 10 N.Bero  
Name Foil Officer  
Job Franklin C.F. Po Box 10  
Work address Malone New York 12953  
City



Continued Amended Complaint

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Defendent No 11 Tyler  
Name  
(RN)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 12 Pretty  
Name  
(DR)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 13 Eli  
Name  
(Co)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 14 Rodgers  
Name  
(Co)  
Job  
Franklin C.F. Po Box 10  
Work Address  
Malone New York 12953  
City

Defendent No 15 Martin  
Name  
(Co)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 16 Bangari  
Name  
(Lt)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 17 Wilcox  
Name  
(IGP)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 18 M. Ojida  
Name  
(Nurse Adminstrator)  
Job  
Franklin C.F. P.O. Box 10  
Work address  
Malone New York 12953  
City

Defendent No 19 Trombley  
Name  
Dep Adminstrator  
Job  
Franklin C.F. Po Box 10  
Work address

Malone New York 12953  
City

Defendent No 20

Kenneth Corse  
Name  
(Doctor)  
Job  
Alice Hyde medical 133 Parl  
Work address  
Street Po. Box 729 Malone NY  
City  
12953

Defendent No 21

Anthony Annucci  
Name  
Commissioner  
Job  
1220 Washinton Ave  
Work Address  
Albany New York 12226  
City



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Statement of Facts

1). On the Month of 4-20-2021 I was Transferred to Franklin C.F. with injuries from clinton C.F. of a back injury , that needs surgery , a Left shoulder injury that needs surgery due to loss of range of motion from a previous assault (See Medical record 9-11-2017 in which prohibits me to lift my left shoulder up over my head and up on the wall during searches I also have a stomach injury in which when hit or struck or assaulted would show blood in urine , hemoptysis in which needs to have surgery to fix the internal injuries from the assault by staff, and a right eye that was losing eye sight in which I complained to the medical department here , I put in grievances (See FKn-0149-21 grievance ) in which I was threatened and forced to put my hand arms on the wall in which I told the Court as well ,I had a court date the next day in which I requested for a Temporary Restraining Order and was denied . Instead they took me from the medical Dorm B-2 and put me in the back I filed Grievances and they were never heard or submitted by the officer they moved me all the way in the Back of the facility knowing that I had these injuries and I would Constantly fill out for emergency sick Call once in K-2 Dorm due to my untreated injuries I needed medical attention due to my injuries and was denied medical (See Grievances and all grievances that went to C.O.R.C FKN-2007-21 Assaulted By Staff FKN-0229-21 in which I was wrongly Confined FKN-0217-21 in which I was Denied medical treatment after in which more pain pursued ) In which on the Date of 7-11-2021 at about 5PM at evening I requested emergency Medical due to my ongoing injuries and at this time (Co) St louis took me to a secluded area the laundry room and punched in my eye splitting it causing ten stitches and an orbital fracture in which my eye sight has become worst since this assault from these officers he then called for back up (Sgt) Goyena came with (Co) Hoit who is a (Sgt) now and told me to state it was a slip and fall in which I stated to him that I got punched by his officer (See Medical records from albany Medical then (Co) Hoit who is a (Sgt) Now Smacked me and slammed my head on the wall busting my lip and I told him I have injuries and he continued to slap me in front of (Sgt) Goyena in which he was deliberate indifferent to and failed to protect Franklin tried to cover it up by false charging me In which I grieved and I told at the hearing I was assaulted by staff , and because of that I was given the max thirty days Keeplock and still put in the Back of facility with



Statement of Facts Continued

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Injuries on top of injuries that was already made worst by assault .

2). The stay at the medical from the 7-11-2021 Assault (RN) Tyles would be deliberate Indifferant to my medical she would deny me pain medication and often threaten me with (Co) Hoit the same person who assaulted me while I was infront of (Sgt) Goyena Handcuffed behind my back with injuries ,would intimidate me to not call for medical stating Im going to get (Co) Hoit to kick your ass again ,in which I would have worst injuries due to her actions ,when she took out my stitches she did it to hurt me twisting and pulling ,ripping them out to hurt me and to leave a worst scare then what there was supposed to be Causeing more pain adding to hurt more then help ,and failed to do her job and I stopped requesting for medical . I Spoke to (Dep) Barber during the Time in the infirmary stating that I was Assaulted by her officers at the time she was acting Superintendent and she blantly was deliberately indifferant saw the injuries and could have made a differant outcome instead knew that the officers assaulted me and would state because her officer assaulted me she could not help me . In which there was no security in the facility for (Co) Hoit to threaten me in which he is now a (Sgt) by promotion .The Doctor Pretty stated she could not help because I stated that I would be assaulted by staff and she was affraid to loss her job , if she helped me at the time ,and would fail to give me any of my permits or renew them so that I could stay in the front of the facility or lift left shoulder ,or back permit , that was already issued ,due to injuries before in which became a hardship and my injuries became worst. I continued to put in grievances and I would be retaliated against By (Sgt) Dowd and he would sexually assault me by Taking me into the back of the secluded area in the main building where they do the grievances he would make me wait until everyone has left and verbally threaten me (See Greivance FKN-0249-21 ) In which he was the Grievance (Sgt) and was allowed to do this twice to me.

3). I put in for a transfer in which I got approved by Albany and at the time I had all my legal Papers in which (Co) Martin would state to me that I had to many bags of property in which I stated that I had four one leagal and at the time I would be screamed at and threatred to have my bags loss by (Co) Martin in which ,I never left on the draft the next day and upon reciving my legal Civil Papers there was some missing ,in my case and I would be without my important Civil Papers in which he would hurt my pending Law suit (See Papers from counselor ) in which I would be denied work release due to being transfered to Fishkill GAF. and I was never transfered . In which this Transfer



Statement of facts continued

Case 9:22-Cv-00339

was never proceeded in which Anthony Annucci would be Vindictive due to my legal actions pending against him violating my right to petition the court 1st amendment violation ,and then I was kept here at this facility in which the officers would retaliate stating the they were sure in the made up false ticket from 7-11-2021 that the inmate me would retaliate back in which never happend because the ticket was false the only retaliation was from the officers in which I was kept here at this facility to be assaulted by the very same officers at franklin facility and Anthony Annucci would keep me here just for that reason just to be assaulted again failure to protect.

4). On the date of 2-14-2022 I had a Law library Call out for my pending 1983 7:20-CV-05883 and had a deadline 4pm (Co) Eli was the law library clerk at the time in which I entered the activity building and the Hall monitor at the time (Co) Castagnier just before you get to the Law library would stop me and request for ID in which I produced it to him he then told me to step to the side and then he asked me for my paper work and I gave it to him then he started to read them and and stated "Quote on Qoute" you like to sue Officers , and then I said to him you cant read my paper work he said shut th the fuck up nigger. I remained silent he get your paper work and go back I grabed my paper work Legal Paper and proceded to leave he then followed me and stated give me your ID I was already outside the door he then gave me a direct order to come back into the activity building . Once I followed him in and went inside the doors entrence him and (Co) Ballman Closed the doors and (Co) Ballman would Choke me and slam my face on the wall then called me a nigger I was punched in the face by (Co) Ballman twice I told him I have Injuries ,in my left shoulder my back and an orbital fracture ,he then with (Co) Castagnier where are they at ,and hit me in the spots of the injuries I even had a permits and they would be thrown on the floor and (Co) Ballman co continued to choke me Maliciously and sadistically without Provocation unwarranted and unwanted Then (Co) Castagnier would with 8 other (Co) including (Sgt) Morale and (Sgt) Hanna watch (Co) Castagnier Grab my Genitals to hurt which was unwarranted I tryed to move around and (Co) Ballman Punched me in my Genitals I then turned around to ask both (Sgt) Morale and Hanna you are going to sit and watch failing to protect as they did it (Co) Castagnier then Stated you have a little dick to humiliate me everyone there started to laugh (Co) castagnier then hit me in my stomach then I was handcuffed and then they tryed to Cover it up by trying to put me in the Back of the facility In which (Sgt)



Statement of Facts Continued

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Morale would with all of these officers Violate My 8th Amendment . Once I stated I was Suicidal They took me to the infirmary and I was seen the next Day by the nurse on 2-15-2022 and I put in a prea due to the incident and Pictures were taken and I was taken to the Outside Hopitol Due to Blood inside of my urine (See Medical Record from 2-15-2022. Alice Hyde medical Center in which I had Pain anddanguish , threaten by (Co) Rodgers and called a nigger on 2-20-2022 gave me more mental health problems.

Supplemented addition of persons Due to ongoing acts

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While at the Hospitol I seen the Doctor and told him what happend (Dr) Kenneth Corse and told him what happened and would let him know it was from officers and instead he would ,state that he could not do anything for me I told him that I had a orbital fracture in my right eye and he was deliberate indifferent and stated that , so what you have to go back and that , I can not do anything for you I stated that I have a face three times its normal size and because I got assaulted by staff you cant help he stated no and sent me back. I grieved it and it was at midstate Correctional facility to this facility franklin C.F. and the Prea as well , OSI came to see me on 3-9-2022 and I told her the whole story and she recorded it (See OSI recordings from 3-9-2022). (IGP) Wilcox would fail to put the Grievance as the Prea (PLRA ) and would fail to process any more of my grievances , and instead they would sit on the Grievance I saw (Lt)Boyer (Lt) A Tarello and it would get pushed to the next person never resolved (Dep) Trombley would ~~answer~~my griveances as well as do his investigation and not help Voilate my disburstment forms trying to deny me access to the courts , (Foil Officer) N Bero would deny me the pictures and UI reports from the Brea Complaint on 2-15-2022 in which I would be denied the necessary Documents to support this Complaint in which would Violate my 1st Amendment right to petitionethe Court. In concerning my Grievances it seems as every since I Grieved the fact that I was Assaulted and Battered by officers I would be Interviewed by differant people such as (NurseAdministrator) M.Ojida once grieved Medical and then they her she would sit on the grievance which would Violate my 1st and 8th Amendment right to petition the Court and right to recive the proper procedures for medical . (LT) Bangari would Violate my Due Process by Me stating the I was assaulted (See Hearing Tape from 2-14-2022 Assault in which he would deny me all records and become apart of the problem giving me all sanction and fail to do an investigation being a baised and Partial Hearing officer in which he tryedtoto take more pictures to cover up the incident ,and stated if I dont take the pictures ,he would cover it up anyway Violating 1st Amendment.



## Continued Supplemental Complaint Addition of Party Case 9:22-CV-00339

(Dr) Pretty would Put me in for the wrong procedures knowing that my shoulder and back need surgery , give me physical therapy without first know the medical Problem in which my stomach and right eye still have not been resolved along with my left shoulder ,and Back area that has made all injuries worst, Due to the fact that I was assaulted By officers I was denied medical treatment that was meaningful to help Intead she was deliberate Indifferant to my medical and cause more Injury ,my left shoulder and back are in excruciating Pain my left shoulder locks up on me , Some Days I can not get out of my bed due to the pain in my back ,I am losing eye sight due to her and the Officers actions , Defendent(s) John Doe and John Doe who were at the incident and was deliberate Indifferant and failed to protect me at the 2-14-2022 Assault by (Co) Ballman and Castagnier would be with held Due to N. Bero the Foil Officers failure to give the UI reports from the 2-14-2022 Assault by staff that was taken the pictures on 2-15-2022 for the Prea (See Medical Records from 2-15-2022) . Superintendent S. Danforth would put me in harms way by putting me and (Co) St louis together after he ~~Assaulted~~ Assaulted me on 7-11-2021 ,being deliberate Indifferate and failing to protect as he would be in the same house only to threaten me to stop all litigation and knowing that I have these injuries from him trying to cause a problem so everyone could point there fingers at the Plaintiff and say that I started it in which ever incident may arise from her actions .

#### 8th Amendment and Deliberate Indifferant Claims

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The assault Caused By (Co) St Louis and (Co) at the time Hoit who is a (Sgt) right now as (Sgt) Goyena would Fail to protect and be deliberate to my already Pending Injuries as well as the fresh 10 stitches and the Orbital fracture of the right eye from (Co) St Louis (and Busted lip with bruises and more trama that occured from (Sgt) Hoit , the deliberate and failure to protect ,from Dep Barber during the time spent at the infirmary ,of the same officer (Co) Hoit is a (Sgt) right now having (Rn) Tyles come in the infirmary with him to threaten me her adding more injuries by not giving me pain medication ,more pain and anguish ,by ripping my stitches out to hurt me being deliberate Indifferate to my Injuries



8th Amendment and Deliberate Indifferent Claims Failure to Protect Con.

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In the Second Assault in was Blatant retaliation ,Due to Suing Officers I was Assaulted for my Protected Conduct ,that was in connection to my Pending 1983 adverse action was taken and Sexual Assault as well as Excessive Force on the Date of 2-14-2022 in which the Hate Crime would be due to the exhaustion of my Pending 1983 7:20 -Cv-5883 for being a Black Man and the color of my skin in which in the first Assault officers would try to keep me in the worst part of Pain and try to hide it Humiliate me and Call me a Nigger (Co) Castagnier and(Co) Ballman while assaulting me in front of (Sgt) Morale and Hanna (Sgt) with three other officers who would Be Deliberate Indifferent to the Assault and the John Does and Jane Doe would also humiliate me as well failing to protect and during these officers shift I would not be taken to medical or the Prea would not be done until 2-15-2022 where pictures and a UI would be Taken.

1st Amendment 14th Amendment 5th Amendment with addition of Parties

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In this because of the Right to petition the court , Due to the blatant assault s by (Co) Castagnier and Ballman I would be denied Due Process of Law from (LT) Bangari at the Hearing in which I would have no Documents he only went based on officers testimony and failed to do investigation and was partial which meets all prongs of Due Process violations and gave me loss of everything, and threatened to make sure I dont receive the Pictures or medical records. (Foil Officer Bero would fail to afford me the right to petition the court by allowing me to receive these documents I had the money in my account and was denied By stating they dont exist would be untrue ,(IGP) Wilcox would fail to file my Prea Grievance after she found out that OSI was involved that came from Midstate (Dep) Tromley and (NA) M.Ojida would once grieved 1st Amendment Violation would Keep the grievance and sit on it and they would get passed from Interview to officer and never have a exhaustion they would violate my right to petition the Court

Failure to Protect putting in Harms way

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(Superintendent Danforth would put me in harms way by knowing that I have been Assaulted and would have the Assaulting officer work with me and continued to threaten and make matters worst through officers or inmate offenders,(DR ) Pretty would fail to do her duty as a medical personal due to the officers threats and be deliberate Indifferent.



Continued Complaint Injury and Request for relief Case No 9:22 -Cv-00339  
1st Amended Complaint

Injuries induced from these assaults:

A fracture to the right eye , More loss of eye sight ,My left shoulder injury as well as back injury would become worst locking up on me more often then before Blood inside of urine ,I have pain everyday in my injuries , in back left shoulder and stomach gives me trouble breathing , I need surgery for back and left shoulder surgery for right eye and specialist to give the right assesment to give the right treatment not make the injuries worst more tares in left shoulder and more disc misplacement due to not first trying to see what the problems are and hurting by bringing more injuries on top of more injuries due to assaults by Officers not once ,two times within a year and the fact of still being here ongoing officers harrassment and the fact of the mental health of seeing the same officers threaten me everyday and nothing gets done to protect me from them.

Relief request : Due to the Injuries still pending the past pain the request for medical and still get assaulted ,as well as try to resolve by law suit and adverse action taken by officers of assault the trying to cover up all assaults shows evil intent and the blantant Injuries blood inside of urine ,

Plaintiff respectfully request ~~20,000,000,00~~<sup>TWENTY</sup> million dollars for Past present and future pain surgeries .



Wherefore ,Due to the Claims of failure to protect ,Deliberate Indifference ,1st Amendment Claim Right to Petition the Court ,8th Amendment Assault and Battery ,excessive Force , Stay assault free from Officer s and Violation of due process 5th and 14th Amendment Claim for the following 1st Amended Complaint in the Above caption and all addition to parties (Foil Officer) Bero (Co) Martin (IGp) Wilcox(Dep) Trombley (NA) M Ojida (LT) Bangari (RN) Tyles (Commissioner) Anthony Anucci (Co) Rodgers (Dr) Pretty as thisCourt May deem Just and Proper.

[This Has Been Done Before The USM-Forms were Submitted from Original Complaint]

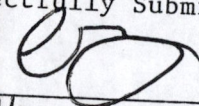
Sworn to before Me this

16<sup>th</sup> Day of JUNE, 2022

Deborah A. Gumbus  
Notary Public

Deborah A. Gumbus  
Reg. No. 01GU6304688  
Qualified in Franklin County  
Commission Expires June 2, 2026

Respectfully Submitted,

x   
Chamee Brand  
Plaintiff



AFFADAVIT OF SERVICE

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF FRANKLIN )

9:22-cv-00339

NAME OF DOCUMENTS:

Copy of Amended Complaint  
with all papers Attached  
will show exhibits During Discovery and  
Disposition

I, Cheney Girard, being duly sworn, deposes and says :

That I have on this 17<sup>th</sup> day of June, 2022, placed and submitted the copies of  
the within documents and or moving papers as indicated above, to be duly mailed via the US  
Postal Services, through the institutional mailroom here at Franklin CF., 62 Bare Hill Road, PO  
Box 10, Malone, New York 12953-0010, in a pre-paid first class wrapper to the following  
parties:

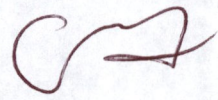
Northern District of New York  
James Hanley Federal Building and US Courthouse  
100 S. Clinton Street PO Box 7367 Syracuse  
13261-7367

SWORN TO BEFORE ME THIS

17<sup>th</sup> DAY June, 2022.

Deborah A. Gumbus  
Notary Public

Deborah A. Gumbus  
Reg. No. 01GU6304688  
Qualified in Franklin County  
Commission Expires June 2, 2026

  
Franklin Correctional Facility  
62 Bare Hill Road, PO Box 10  
Malone, New York 12953-0010